
HOUSE BILL No. 1795

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-4-30.

Synopsis: Taxpayer protection and development assistance. Defines "development assistance". Requires the department of commerce to adopt a standardized information form that must be completed by any person applying for development assistance. Requires the department to publish a report based on the completed information forms and to provide the report in both printed and electronic form to the public at no cost.

Effective: July 1, 2001.

Cheney

January 17, 2001, read first time and referred to Committee on Ways and Means.

C
o
p
y



First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1795

A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-4-30 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2001]:

4 **Chapter 30. Taxpayer Protection and Development Assistance**
5 **Disclosure**

6 **Sec. 1. As used in this chapter, "development assistance" means**
7 **any form of public assistance provided by a granting body to**
8 **stimulate economic development of a specific corporation,**
9 **business, industry, geographic area, or part of Indiana's economy.**
10 **The term includes the following:**

- 11 (1) Tax deductions under IC 6-1.1-12.1.
12 (2) Tax credits under the enterprise zone program.
13 (3) Training grants, including grants provided by the
14 department of workforce development and grants or other
15 assistance under the training 2000 program established under
16 IC 4-4-4.6.
17 (4) Loans and loan guarantees.



C
o
p
y

- (5) Tax increment financing.
- (6) Grants, including research and development grants.
- (7) Fee waivers.
- (8) Land price subsidies.
- (9) Infrastructure, the principal beneficiary of which is a single business or defined group of businesses at the time the infrastructure is built or improved.
- (10) Matching funds.
- (11) Industrial development bonds.
- (12) Inventory tax credits under IC 6-1.1-20.7.

Sec. 2. As used in this chapter, "granting body" means Indiana or a political subdivision that provides development assistance.

Sec. 3. (a) The department of commerce shall, before January 1, 2002, adopt a standardized information form that must be completed by a person applying for development assistance under a program or fund operated by or administered by a granting body.

(b) The information form under this section must require at least the following:

- (1) An application tracking number that is specific to each granting body and each application for development assistance.
- (2) The name, street and mailing address, phone number, and executive of the granting body.
- (3) The name, street and mailing address, phone number, and principal officers of the controlling entity of the applicant for development assistance.
- (4) The name, street and mailing address, phone number, four-digit standard industrial classification (SIC) number, and chief officer of the applicant for development assistance at any specific project site for which development assistance is sought.
- (5) The total number of the applicant's full-time employees, part-time employees, and temporary employees who work at a specific project site on the date of the application.
- (6) The total number of full-time employees, part-time employees, and temporary employees who are employed in Indiana by the applicant's controlling entity or any subsidiary of the controlling entity on December 31 of the year preceding the date of the applicant's application.
- (7) The type and value of the development assistance for which the applicant is applying.



C
o
p
y

1 (8) The total number of new full-time jobs, part-time jobs, and
2 temporary jobs that the applicant estimates will be created by
3 the development assistance.

4 (9) The average hourly wage or salary that the applicant will
5 pay to full-time employees, part-time employees, and
6 temporary employees described in subdivision (6) during the
7 first calendar year after those employees are hired.

8 (10) For an application for development assistance related to
9 a specific project site located in a metropolitan statistical area
10 (as defined by the United States Department of Commerce,
11 Bureau of the Census), the average hourly wage paid in
12 Indiana to nonmanagerial employees employed in the
13 applicant's industry, as most recently provided by the United
14 States Department of Labor, Bureau of Labor Statistics. The
15 information required under this subdivision must be listed
16 according to two (2) digit standard industrial classification
17 (SIC) numbers or three (3) digit standard industrial
18 classification (SIC) numbers, if that information is available.

19 (11) For an application for development assistance related to
20 a specific project site that is not located in a metropolitan
21 statistical area (as defined by the United States Department of
22 Commerce, Bureau of the Census), the average weekly wage
23 paid in the county in which the project is located, as most
24 recently reported by the United States Department of
25 Commerce in the "County Business Patterns" report or a
26 similar report.

27 (12) The type and amount of employer paid health care
28 coverage that the applicant will provide to its new employees
29 not more than ninety (90) days after hiring. The applicant
30 must specify any costs that will be paid by the new employees.

31 (13) A list of all other forms of development assistance that
32 the applicant is seeking and the name of the granting body
33 from which that development assistance is sought.

34 (14) A description of effects the applicant's use of the
35 development assistance may have on employment at any site
36 in a United States jurisdiction controlled by the applicant or
37 the applicant's controlling entity, including any automation,
38 consolidation, merger, acquisition, product line movement,
39 business activity movement, or restructuring by either the
40 applicant or the controlling entity.

41 (15) Individual certifications by the executives of the applicant
42 and the granting body as to the accuracy of the application,

C
o
p
y



under penalty of perjury.

(c) Beginning January 1, 2002, each applicant for development assistance must complete an information form under this section and submit the information form to the granting body from which the development assistance is being sought. The granting body shall forward a copy of each completed information form to the department of commerce.

(d) The department shall, before September 30 of each year, update the information form under this section.

Sec. 4. (a) The department of commerce shall, before November 1 of each year, publish a report compiling and summarizing the information provided to the department under section 3 of this chapter.

(b) The report required by this section must include at least the following information:

(1) The total amount of development assistance provided by all granting bodies.

(2) The total amount of development assistance provided in various regions of the state.

(3) The distribution of development assistance by the amount of development assistance.

(4) The distribution of development assistance by type and by public purpose.

(c) The department of commerce shall make the following available to the public in both print and electronic form at no cost:

(1) The report published under this section.

(2) All information provided to the department under this chapter by a granting body or by a person receiving development assistance.

The report shall be written at an eighth grade reading level. The report and information shall be made available at a centralized physical location as determined by the department and on the department's public information page on its Internet site on the world wide web established under IC 4-4-3-22.

Sec. 5. (a) A local government granting body that provides development assistance must, before September 1, file with the department of commerce a report listing the persons receiving development assistance that failed to provide the information required by section 3 of this chapter.

(b) If a local government granting body does not provide the department of commerce with the information required by this section before September 1, the department of commerce shall

C
o
p
y



1 provide the local government granting body with notice that the
2 information must be filed. If the local government granting body
3 does not provide the department of commerce with the required
4 information within fourteen (14) days after the notice is provided,
5 the department of commerce:

6 (1) shall suspend any current development assistance
7 activities under its control in the granting body's jurisdiction;
8 and

9 (2) may not complete any current development assistance or
10 provide any additional development assistance in the granting
11 body's jurisdiction;

12 until the granting body provides the information required by
13 section 3 of this chapter.

14 (c) The department of commerce shall provide information and
15 assistance to local government granting bodies concerning the
16 granting bodies' reporting requirements under this section.

17 Sec. 6. If a granting body or the department of commerce does
18 not enforce or carry out the requirements of this chapter, a person
19 who paid state income taxes or paid property taxes to a taxing unit
20 in the preceding year, or any organization representing such a
21 person, is entitled to bring a civil action to compel enforcement of
22 this chapter. In an action under this section, a court shall award
23 reasonable attorney's fees and actual incurred costs in pursuing the
24 action to a prevailing plaintiff or organization.

C
o
p
y

